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MAR 20 2007Application Serial No. 10/674,187
Reply to Office Action of January 23, 2007PATENT
Docket: CU-3337**REMARKS**

In the Office Action mailed January 23, 2007, claims 1 and 4-16 were rejected under 35 U.S.C. §103(a) as being obvious in view of U.S. patent 5,524,321 to Weaver, et al. (Weaver), U.S. patent 5,935,279 to Killstrom, and U.S. patent 6,859,975 to Ohta et al. (Ohta).

Claims 1, 4-5, 7 and 10-16 were also provisionally rejected on the ground of non-statutory obviousness-type double patenting over claims 1, 3-10 and 19 of co-pending application 10/675,088.

The Examiner considered claims 2, 3 and 17 to be allowable, if they were re-written to include all of the limitations of the base claim plus the limitations of any intervening claims.

After carefully considering the office action, the newly-cited Killstrom reference and the Weaver and Ohta references, claims 1 and 17 have been amended as set forth above to include the limitations of dependent claims that were determined to be allowable if they were to be re-written. More particularly, claim 1 has been re-written to include the limitations of allowable claim 2; claim 16 has been amended to include the limitations of allowable claim 17. Claims 1 and 16 are therefore now in condition for allowance.

As for the obviousness-type double patenting rejection, claims 1, 4-5, 7 and 10-16 were also provisionally rejected on the ground of non-statutory obviousness-type double patenting. Claims 2 and 17, which have been incorporated into claims 1 and 16 respectively, were not rejected because of obviousness-type double patenting. The applicant therefore contends that the claims as amended are now patentably distinct

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from the claims of co-pending application serial number 10/675,088.

The applicant requests that this amendment be entered under Rule 1.116(b), which authorizes the entry of a claim amendment to correct matters of form. Since claims 2 and 17 were held to be allowable, their incorporation into claims 1 and 16 respectively is really the correction of a matter of form. This amendment is therefore properly entered under Rule 116(b). Entry of the amendment and reconsideration of the amended claims is therefore respectfully requested.

Sincerely,

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Joseph P. Krause, Reg. No. 32,578
Ladas & Parry
224 South Michigan Avenue
Chicago, Illinois 60604
(312) 427-1300